

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 243 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

YASINBHAI DOSANBHAI MOLPIYA

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioner

MR SA PANDYA, APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 17/03/99

ORAL JUDGEMENT

Heard Mr.E.E.Saiyed, learned counsel for the petitioner and Mr.S.A.Pandya, learned APP for the State. Mr.K.D.Parmar, P.I., ACB, Mehsana, is also present. Mr.K.D.Parmar has made a statement through learned APP, Mr.Pandya that investigation regarding C.R.No.12 of 1996 is already over since long and a letter regarding sanction has been written to the Home Department on 10-8-1998. Yet, the Home Department has not taken any

decision and, therefore, they are not in a position to proceed further in the matter. It is quite reasonable on the part of the concerned Investigating Officer.

In view of the above facts and circumstances, I direct the Secretary, Home Department, State of Gujarat to take a decision on the letter dated 10-8-1998 written by the Investigating Officer in connection with C.R.No.12 of 1996 within a period of two months from today and inform accordingly to the concerned Officer. As far as appearance of the complainant before the Inquiry Officer is concerned, the applicant is at liberty to apply before the Inquiry Officer and in that event, Inquiry Officer shall decide the same after hearing the complainant.

With the above observation, this Special Criminal Application is disposed of. Direct service is permitted.

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